

RESOLUTION NO. 89-169

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES, PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 1245.220 ET SEQ. (5200 EAST SARGENT ROAD: DIEKMAN PROPERTY)

WHEREAS, on October 18, 1989, the Council of the City of Lodi set a hearing to consider a Resolution of Necessity to Acquire Certain Real Property described below; and

WHEREAS, on November 15, 1989, the Lodi City Council held a hearing in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for the purposes of a municipal industrial electrical substation;

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council as follows:

The Lodi City Council finds, determines, and hereby declares:

1. That the public interest, necessity, and convenience require the acquisition, construction, and completion of a public improvement, to wit: the acquisition of a site for an industrial electric substation, on and across certain real property located at 5200 East Sargent Road, within San Joaquin County, described as follows:

1. Acquisition in fee.

Commencing at the northwest corner of the Northeast Quarter of Section 7, T3N, R7E, MDB&M, thence S 0°32'00" E, 100.15 feet, along the west line of said Quarter Section to the True Point of Beginning, thence S 87°20'49" E, 533.68 feet, along the southerly line of the Central California Traction Company, thence S 0°47'19" E, 658.99 feet, along a line parallel with the east line of said Section 7, thence N 87°24'33" W, 536.59 feet, thence N 00°32'00" W, 659.40 feet along said west line to the True Point of Beginning, containing 8.1 acres, more or less.

2. Parcels 2 and 3 (easement only).

Easement 1

Commencing at the northwest corner of the Northeast Quarter of Section 7, T3N, R7E, MDB&M, thence S 0°32'00" E, 759.55 feet along the west line of said Quarter Section to the True Point of Beginning, thence S 87°24'33" E, 40.0 feet, thence S 2°35'27" W, 32.0 feet, thence N 87°24'33" W, 38.25 feet, to said west

line, thence N 0°32'00" W, 32.05 feet along said west line to the True Point of Beginning.

Easement 2

A 60 kv Public Utility Easement being more particularly described as follows:

Commencing at the northwest corner of the Northeast Quarter of Section 7, T3N, R7E, MDB&M, thence S 0°32'00" E, 791.60 feet along the west line of said Quarter Section to the True Point of Beginning, thence S 87°24'33" E, 16.52 feet, thence S 00°32'00" E, 542.75 feet along a line parallel with said west line to the south line of the north one-half of said Northeast Quarter, thence N 87°33'30" W, 16.53 feet along said south line, thence N 0°32'00" W, 542.80 feet along said west line to the True Point of Beginning, totalling .24 acres, more or less, (both easements combined).

AND

2. That the real property hereinafter described is suitable, adaptable, necessary, and required for the public use of said City of Lodi, as hereinabove set forth.

3. The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

4. That the City of Lodi acquire the hereinafter described real property for an industrial electric substation by donation, purchase, or by condemnation in accordance with the provisions of the Code of Civil Procedure of the State of California relating to eminent domain. That the City Attorney is hereby authorized to prosecute in the name of the City of Lodi, any and all actions or proceedings required to acquire the necessary property and/or to fix the compensation to be paid for property damage resulting from the construction and maintenance of said improvements; and in the absence of a satisfactory price agreement with the owner of the land, the City Attorney is hereby directed to immediately commence proceedings under Title Seven, Chapter Three of the Code of Civil Procedure of the State of California, to condemn the property hereinafter described for the purpose of taking said land for the public use of said City as hereinabove set forth.

5. To make application to a Court of competent jurisdiction for an order fixing the amount of such security in the way of money deposits as said Court may direct, and for an order permitting said City of Lodi to take immediate possession and use of said property, or interest in real property, or existing improvements for the public use as hereinabove set forth; to make deposit of such security or monies in such amount so fixed and determined and in such manner as said Court in which said condemnation proceedings are pending may direct.

6. The real property or interest in real property which the City of Lodi is by this Resolution authorized to acquire for said public improvements is situated in the County of San Joaquin, State of California, as described above.

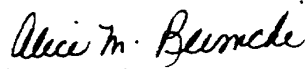
7. Pursuant to Government Code Section 7267.2, a written offer was made to the owners of record in the amount of \$269,100.

8. BE IT FURTHER RESOLVED, that the City Attorney be and hereby is authorized and directed to commence and maintain in the name of the City of Lodi, such actions and proceedings of eminent domain in the Superior Court of California, County of San Joaquin, as are necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of San Joaquin, as described above.

DATED: November 15, 1989

I hereby certify that Resolution No. 89-169 was passed and adopted by the City Council of the City of Lodi in a regular meeting held by the following vote:

Ayes: Council Members - Hinchman, Olson, Pinkerton, Reid and Snider (Mayor)
Noes: Council Members - None
Absent: Council Members - None


Alice M. Reimche
City Clerk

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